

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA )  
                                  )  
                                  )  
                                 v. ) Case No. 1:20-MJ-114  
                                  )  
                                  )  
ZACKARY ELLIS SANDERS, )  
                                  )  
                                  )  
                                 *Defendant.* )  
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**CONSENT MOTION FOR ENTRY OF PROTECTIVE ORDER**

The United States of America, by and through its attorneys, G. Zachary Terwilliger, United States Attorney for the Eastern District of Virginia, and William G. Clayman, Special Assistant United States Attorney (LT), with the consent of the defendant, Zackary Sanders, and the defendant's counsel, respectfully files this motion for entry of a Protective Order. Certain of the discovery materials in this case contain sensitive information regarding minors and an ongoing investigation. Accordingly, the government respectfully requests that the Court issue the attached Protective Order, and in support thereof, states as follows:

1. On or about March 19, 2020, the defendant was charged by criminal complaint with production of child pornography, in violation of 18 U.S.C. § 2251(a) and (e). The investigation of the defendant involved a website dedicated to child pornography, and the users thereof, which are subject to ongoing investigation.
2. Discovery materials the government intends to produce pursuant to its discovery obligations under Federal Rule of Criminal Procedure 16 include law enforcement sensitive items related to the ongoing investigation of investigative targets suspected of engaging in online child sexual exploitation. The dissemination of the government's investigative materials, including

search warrant affidavits, reports of investigation, witness statements, court orders, and seized electronic data, and the information contained therein, could seriously jeopardize those continuing investigations and reveal sensitive information related to minor victims or witnesses.

3. The government requests that the Protective Order requires that the defendant not disseminate discovery items to anyone other than counsel and members of the defendant's litigation and investigative team. As proposed in the Protective Order, defense counsel and the defendant's litigation team may show and display materials produced in discovery to the defendant, but may not provide a copy of materials produced in discovery to the defendant or third parties to keep and maintain in their possession. Further, defense counsel and the defendant's litigation team shall return materials produced in discovery to the United States Attorney's Office within 10 days upon conclusion of the case before this Court, or, if an appeal is taken, upon completion of such an appeal, or destroy all discovery and certify to the United States Attorney's Office that it has been destroyed.

4. Any materials produced in discovery, or information contained therein, that are filed with the Court in connection with pre-trial motions, trial, sentencing, or other matter before this Court, shall be filed under seal and shall remain sealed until otherwise ordered by this Court. This does not entitle either party to seal their filings as a matter of course. The parties are required to comply in all respects to the relevant local and federal rules of criminal procedure pertaining to the sealing of court documents.

5. Any violation of any term or condition of the Proposed Order by the defendant, the defendant's attorney(s) of record, any member of the defense team, or any attorney for the United States Attorney's Office for the Eastern District of Virginia, may be sanctioned by contempt of court and/or may be subject to monetary or other sanctions as deemed appropriate by this Court.

6. This motion and the proposed Protective Order are submitted for the purpose of ensuring that national law-enforcement-sensitive information contained in discovery materials are not disseminated to third parties. The requested relief is narrowly tailored to ensure that the confidential information identified above will remain protected.

7. Counsel for the United States has conferred with counsel for the defendant. The defense agrees to the terms of the proposed Protective Order and the contents of this motion.

Based on the foregoing, the United States respectfully requests that the Court authorize the proposed Protective Order governing use and disclosure of the protected and sensitive discovery material.

Respectfully Submitted,

G. Zachary Terwilliger  
United States Attorney

By: \_\_\_\_\_/s/  
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CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of April 2020, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to all counsel of record.

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/s/  
William G. Clayman  
Special Assistant United States Attorney (LT)